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MAY 15 2025

CLERK, U.S. DISTRICT COURT  
 MINNEAPOLIS, MINNESOTA

UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF MINNESOTA

12 Steve Salvador Ybarra  
 13 Self-Represented  
 14 Pro Se Litigant,

No. . 0:25-cv-01948-KMM-DJF

15 Plaintiff,

**PLAINTIFF'S MOTION TO  
 DISQUALIFY THE FIRST JUDICIAL  
 DISTRICT BENCH**

16 Legal Assistance of Dakota County;  
 17 Sharon Jones Esq., in her Individual  
 and  
 18 Official capacities;  
 Hon. David Lutz, in his individual  
 and  
 19 Official capacities;  
 Hon. Tanya Obrien, in her individual  
 and official capacities;  
 20 Hon. Dannie L Edwards, in her  
 individual and official capacities;  
 Lydia Clemens, in her individual and  
 official capacities;  
 21 Michelle Cathleen Ybarra,

22  
 23 Defendants.

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SCANNED
MAY 15 2025
U.S. DISTRICT COURT MPLS

CK

Plaintiff Steve Salvador Ybarra respectfully moves this Court for an order  
 disqualifying the bench of the First Judicial District of Minnesota from further  
 involvement in any proceedings related to Plaintiff's custody, constitutional, or

1 evidentiary matters that intersect with the subject matter of this federal action. This  
2 motion is brought pursuant to 28 U.S.C. § 144, 28 U.S.C. § 455, Canon 2.11 of the  
3 Minnesota Code of Judicial Conduct, and the Due Process Clause of the Fourteenth  
4 Amendment.

5

## 6 **I. INTRODUCTION**

7 This case has moved beyond the confines of a routine custody dispute. It now  
8 squarely presents structural constitutional violations, procedural concealment, and  
9 institutional entrenchment implicating both the judicial officers of the First Judicial  
10 District and their close, ongoing affiliation with a named Defendant: Legal  
11 Assistance of Dakota County ("LADC").

12 Most recently, it has come to light that **Kelly Staples**, a former **board member of LADC**, has been appointed to the **First Judicial District bench**,  
13 creating an unavoidable appearance of systemic conflict. Her appointment occurred  
14 **while this federal litigation was pending**, and while LADC was already on  
15 formal notice of RICO, fraud, and constitutional deprivation allegations. This places  
16 the entire bench in a position of perceived and actual bias.

17

## 18 **II. LEGAL STANDARD**

### 19 **A. 28 U.S.C. § 455(a)**

20 A judge must disqualify themselves in any proceeding in which their  
21 impartiality "might reasonably be questioned."

### 22 **B. Caperton v. A.T. Massey Coal Co., 556 U.S. 868 (2009)**

23 Due process is violated when a judge has a constitutionally intolerable  
24 probability of bias due to financial, political, or organizational affiliations.

### 25 **C. Canon 2.11, Minnesota Code of Judicial Conduct**

26 Judges must disqualify themselves where they served in a fiduciary or  
27 governing role in an organization that is a party to the proceeding.

### III. GROUNDS FOR DISQUALIFICATION

1. **Direct Structural Ties** – LADC, a named Defendant, is deeply embedded in  
2 the judicial processes of the First Judicial District. Multiple judges have prior  
3 connections to LADC (volunteer work, panel service, etc.), and now, a **board**  
4 **member has ascended to the bench.**
5. **Constructive Notice** – At the time of her appointment, Ms. Staples had  
6 actual or constructive knowledge of Plaintiff's federal litigation, including  
7 emailed notices, RICO warnings, and discovery requests.
8. **Protective Orders and Sealed Fraud** – The First Judicial District has  
9 issued sealed protective orders shielding the very records now at issue in  
10 federal court. Recusal motions have been denied despite these sealed conflicts.
11. **Judicial Refusal to Adjudicate** – Judge Lutz has refused to rule on  
12 Plaintiff's federal objections and fraud-based motions, invoking procedural  
13 inertia to suppress the record.

### V. CONSTRUCTIVE NOTICE AND WILLFUL INSTITUTIONAL 14 NONCOMPLIANCE

15 Plaintiff further submits that both Legal Assistance of Dakota County (LADC)  
16 and its lead counsel, Sharon Jones, were placed on **direct, repeated notice** of this  
17 federal litigation and the constitutional violations at issue. As reflected in Exhibit B  
18 (Screenshot of email record, Feb–Apr 2025), Plaintiff issued multiple formal  
19 communications referencing civil rights violations under 42 U.S.C. §§ 1983, 1985,  
20 RICO predicate acts, and imminent discovery requests targeting Legal Aid intake  
21 fraud. Additionally, the **March 21, 2025 Final Notice Letter** (Exhibit C), which  
22 was delivered via email and certified mail to Judge David Lutz, County Attorney  
23 Kathy Keena, and LADC, included a detailed record of fraud, sealed evidence  
24 suppression, judicial misconduct, and a quantified demand for resolution.

1       The failure of all named parties to respond, act, or disclose critical evidentiary  
2 material despite this documented timeline of notice constitutes **willful**  
3 **suppression, retaliatory procedural concealment**, and confirms the structural  
4 breakdown now requiring federal oversight. It also **precludes any defense**  
5 **grounded in ignorance, qualified immunity, or abstention**—the record now  
6 demonstrates constructive knowledge, deliberate disregard, and institutional  
7 entrenchment.

8

9       **IV. REQUEST FOR RELIEF**

10      Plaintiff respectfully requests that this Court:

- 11     1. Issue a declaration recognizing that the bench of the First Judicial District is  
12        constitutionally conflicted;
- 13     2. Order the disqualification of the First Judicial District from adjudicating any  
14        aspect of Case No. 19AV-FA-24-839 or related matters;
- 15     3. Order that no judicial officers affiliated with LADC or its board may  
16        participate in any proceeding directly or indirectly tied to Plaintiff;
- 17     4. Grant such other relief as the Court deems just and proper to preserve judicial  
18        integrity and Plaintiff's constitutional rights.

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22      Respectfully submitted,

23      **/s/ Steve Salvador Ybarra**

24      Steve Salvador Ybarra

25      Pro Se Litigant

26      California | Minnesota

27      Email: Steve@TheoryWerkx.com

28      Phone: (612) 544-4380

1                   **Footnotes (All citations to U.S.C. and Federal Rules unless otherwise noted)**

2                   1. All statutory citations herein refer to the United States Code unless otherwise indicated. Plaintiff  
3                   also references the Minnesota Code of Judicial Conduct where applicable to highlight the systemic breakdown  
4                   of neutrality at the state level.

5                   2. The appointment of Ms. Killy Staples to the First Judicial District occurred in or around May 2025,  
6                   while Plaintiff's federal complaint was pending and while LADC had been served with formal litigation threats.  
7                   As a former board member of LADC, Ms. Staples had fiduciary obligations to that organization, and her  
8                   ascension to the bench while those allegations remained unresolved triggers the exact due process concerns  
9                   articulated in *CAPERTON V. A.T. MASSEY COAL CO.*, 556 U.S. 868 (2009).

10                  3. Plaintiff's March 21, 2025 demand letter (Exhibit C), delivered via certified mail and email, included  
11                  detailed allegations of intake fraud, perjury, and systemic suppression of child abuse records. No party—  
12                  including LADC, the County Attorney, or the presiding judge—responded or took corrective action. That  
13                  silence now forms part of the constructive knowledge timeline.

14                  4. Exhibit B, a screenshot of Plaintiff's pre-litigation email communications with LADC and other  
15                  institutional parties, reflects documented attempts between February and April 2025 to resolve the matter  
16                  without federal intervention. That timeline defeats any argument of "good faith ignorance" or procedural  
17                  innocence. See *PULLIAM V. ALLEN*, 466 U.S. 522 (1984) (affirming judicial officers are not immune from  
18                  prospective injunctive relief when acting in violation of federal rights).

19                  5. As of the date of this motion, Judge Lutz has refused to recuse himself from the state custody  
20                  matter despite verified evidence of sealed misconduct, sealed affidavits supported by ghostwritten filings, and  
21                  judicial inaction on Rule 60.02(d) fraud claims. This failure—when combined with the structural elevation of a  
22                  LADC board member to the bench—renders the entire forum constitutionally unreliable under *CAPERTON*  
23                  AND *IN RE MURCHISON*, 349 U.S. 133 (1955).

24                  6. Plaintiff reserves the right to seek sanctions, injunctive relief, and supplemental referral to the U.S.  
25                  Department of Justice, the Office of the Inspector General, and the Minnesota Board on Judicial Standards  
26                  should any officer of the court continue to participate in proceedings where they—or their former colleagues—  
27                  are implicated in the constitutional violations raised herein.

28                  7. This motion is not brought lightly. It is grounded in ongoing, documented institutional

1 concealment, conflict of interest, and sealed judicial behavior tied to a structurally compromised defendant.  
2 Plaintiff has raised these concerns through certified notice, DOJ referral, and procedural filings—all ignored.  
3 The federal record must now preserve what the state forum has refused to acknowledge.  
4

5 **CERTIFICATE OF SERVICE**

6 I hereby certify that on **May 14, 2025**, I served a true and correct copy of the  
7 attached:

8 **PLAINTIFF'S MOTION TO DISQUALIFY THE FIRST JUDICIAL  
DISTRICT BENCH**

9 upon the following parties by email and/or U.S. Mail:

- 10 • **Legal Assistance of Dakota County**  
11 Email: admin@dakotalegal.org
- 12 • **Sharon Jones, Esq.**, in her individual and official capacities  
13 Legal Assistance of Dakota County  
14 Email: sjones@dakotalegal.org
- 15 • **Hon. David Lutz**, in his individual and official capacities  
16 Dakota County District Court  
17 1560 Highway 55, Hastings, MN 55033  
18 Email: Raymond.mestad@courts.state.mn.us
- 19 • **Hon. Tanya O'Brien**, in her individual and official capacities  
20 Dakota County District Court  
21 1560 Highway 55, Hastings, MN 55033  
22 Email:  
23 • **Hon. Dannie L. Edwards**, in her individual and official capacities  
24 Dakota County District Court  
25 1560 Highway 55, Hastings, MN 55033  
26 Email:  
27 • **Lydia Clemens**, Guardian ad Litem, in her individual and official capacities

1 First Judicial District GAL Program

2 Email: Lydia.clemens@courts.state.mn.us

3 • **Michelle Cathleen Ybarra**, Respondent

4 Email: shellbel1@hotmail.com

5 This notice was served to all named parties via email where available and  
6 U.S. Mail where necessary, consistent with Fed. R. Civ. P. 5(b) and Local Rule 7.1.

7 Respectfully submitted,

8 /s/ **Steve Salvador Ybarra**

9 Pro Se Litigant

10 Steve@TheoryWerx.com

11 (612) 544-4380

12 Executed May 14, 2025

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